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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,298	07/18/2003	Mark Albert	062891.1134	3417
5073	7590	09/08/2004	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/623,298

Applicant(s)

ALBERT ET AL.

Examiner

Prenell P Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21,22,27,31,32,35-37,40-42 and 45 is/are rejected.
- 7) ☒ Claim(s) 23-26,28,29,33,34,38,39,43 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/18/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21, 22, 31, 32, 36, 37, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Aarhus et al.

Regarding claims 21, 22, 31, 32, 36, 37, 41 and 42 Aarhus discloses (section 2.5, 2.6, 3.3) an infrastructure that accommodates multimedia communication wherein the infrastructure includes communication in an ATM/Router (forwarding agent) environment, QoS support which utilizes flow label identification for identifying flow (sequence of packets) between source and destination for flow control/management, wherein source/destination communicating request messages/packet instructions, (section 3.5.1) synchronizing flow information (packet flow/packet handling instructions), (page 60) resource reservation protocols utilized, reservation request are made through filters to make routing more efficient, (section 4.2.3) fixed filter identifies sender of reservation messages (packet instructions) and a separate reservation for each sender is available, wildcard filter does not identify sender and reservation is shared.

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27, 35, 40 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarhus et al. in view of Aukia et al.

Regarding claims 27, 35, 40 and 45, as indicated above, Aarhus discloses (section 2.5, 2.6, 3.3) an infrastructure that accommodates multimedia communication wherein the infrastructure includes communication in an ATM/Router (forwarding agent) environment, QoS support which utilizes flow label identifier for identifying flow (sequence of packets) between source and destination for flow control/management, wherein source/destination communicating request messages/packet instructions, (section 3.5.1) synchronizing flow information (packet flow/packet handling instructions), (page 60) resource reservation protocols utilized, reservation request are made through filters to make routing more efficient, (section 4.2.3) fixed filter identifies sender of reservation messages (packet instructions) and a separate reservation for each sender is available, wildcard filter does not identify sender and reservation is shared. Aarhus is silent on flow identifier including at least one of source/destination address, source/destination port and a protocol. However in analogous art, Aukia discloses (Abstract, col. 5, line 59 thru col. 6, line 33, a packet network that provides routing for packet flow based on QoS, end-to-end communication, (col. 11, line 12 thru col. 12, line 45) packet flow identifiers, (col. 5, line 1-18) filter rules are applied to each packet flow (packet flow identifier), (col. 18, line 28 thru col. 19,

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line 63, col. 6, line 42-59, col. 8, line 14-51) filter rules that include packet flow identifiers associated with source/destination addresses and source/destination ports, RSVP/OSPF protocol fields. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a flow identifier to consist of at least a source/destination address, source/destination port and a protocol field as taught by Aukia in his packet network that provides QoS with the teachings of Aarhus who also teaches QoS support in a packet system for the purpose of further managing communication between end users.

***Allowable Subject Matter***

1. Claims 23-26, 28-30, 33, 34, 38, 39, 43 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. The following is a statement of reasons for the indication of allowable subject matter:

Although the cited prior art discloses an infrastructure that accommodates multimedia communication wherein the infrastructure includes communication in an ATM/Router (forwarding agent) environment, QoS support which utilizes flow label identifier for identifying flow (sequence of packets) between source and destination for flow control/management, wherein source/destination communicating request messages/packet instructions, synchronizing flow information (packet flow/packet handling instructions), resource reservation protocols utilized, reservation request are made through filters to make routing more efficient, fixed filter identifies sender of reservation messages (packet instructions) and a separate reservation for each sender is available, wildcard filter does not identify sender and reservation is shared, packet network that provides routing for packet flow based on QoS, end-to-end communication, packet flow identifiers, filter rules are applied to each packet flow, filter rules

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that include packet flow identifiers associated with source/destination addresses and source/destination ports, RSVP/OSPF protocol fields they fail to teach or suggest receiving an action filter for the packet with the flow identifier not corresponding to the fixed filter, disregarding the fixed filter and action filter after a predetermined period of time, fixed filter associated with one transport direction of the packet flow, fixed filter having priority of over wildcard filter and fixed filter has been load balanced through a network.

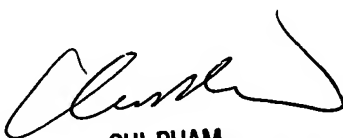
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

September 1, 2004



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9/2/04